

**Date: July 19, 2018**

**To: Mayor and Council**

**Fr: Kathleen Conway, City Clerk/Director of Council Operations**

**Re: DRAFT Mayor and Council Special Appointment Process for a City Council Vacancy – for Mayor and Council Review and Comment**

This packet includes the following documents:

- A. Draft Special Appointment Process for a City Council vacancy
- B. Charter information regarding vacancies in the Office of the Mayor and Council
- C. Sample Press Release for a Council Vacancy
- D. Cover Letter to accompany Application Packet/Procedures to Apply for the Vacant City Council Seat
- E. Charter information regarding number, selection, term, qualification and payment for City of Rockville elected officials
- F. Charter information regarding registration, nominations and elections for City of Rockville elected officials
- G. Charter information regarding powers of Council.
- H. Rockville Ethics Code (to be included in final packet)
- I. Rockville Elections Code (to be included in final packet)
- J. Rockville Financial Disclosure Form (updated form to be included in final packet)
- K. Application for Office of Councilmember

**A. Draft Special Appointment Process**

- 1. Create application packet for potential candidates to include the following:
  - a. Cover letter
  - b. Application Form and requirements
  - c. Description of Selection Process and dates
  - d. Charter information regarding number, selection, term, qualification and payment for City of Rockville elected officials
  - e. Charter information regarding registration, nominations and elections for City of Rockville elected officials
  - f. Charter information regarding powers of City of Rockville elected officials.
  - g. MML document "So You Want to Serve in Municipal Government"
  - h. Financial Disclosure Form
  - i. Ethics Code
  - j. Elections Code
  - k. Financial Disclosure Form
- 2. Post open position via multiple outlets, e.g., Rockville Reports, website, Social Media, Mayor and Council announcement, Press Release, via email to neighborhood groups and Boards and Commission members, etc.

- Post announcement with application form and information requirements on Rockville website (include items listed in #1 above).
3. Determine the opening and closing dates for the applications.
  4. Determine dates for interviews, etc.
  5. Create confidential application packets with applications submitted by each candidate for the Mayor and Councilmembers.
  6. Request applications be sent to the Mayor and Council, c/o Kathleen Conway, City Clerk/Director of Council Operations.
  7. Conduct a Closed Session Meeting with the Mayor and Council and select up to five candidates to advance through the interview process.
  8. Invite selected candidates to deliver a five-minute statement at a Mayor and Council Meeting.
  9. Conduct Closed Session interviews with each candidate and the Mayor and Council.
  10. Select the new Councilmember by a favorable vote of a majority of the remaining members of the Mayor and Council, to fill the vacancy for the unexpired term.
  11. Conduct swearing-in ceremony, followed by a reception in City Hall.

## **B. Charter information regarding vacancies in the Office of the Mayor and Council**

Article III. Section 5. - Vacancies in Office of Mayor and Council.

In case of a vacancy on the Council by reason of death, resignation, removal from the City, or otherwise, not occurring within the last twelve (12) months of the term, the vacancy shall be filled by special election as provided by ordinance. In case of a vacancy on the Council for any of the aforesaid reasons, occurring within the last twelve (12) months of the term, the Mayor and Council shall elect, by the favorable votes of a majority of the remaining members of the Mayor and Council, some qualified person to fill such vacancy for the unexpired term. The results of any such vote shall be recorded in the minutes of the Mayor and Council.

## **C. Sample Press Release - modeled after Gaithersburg's Press Release for a Council Vacancy**

(The sample below would be provided to Marylou Berg to assist with Rockville's Press Release.)

### **Applicants Sought for City Council Vacancy**

**Rockville, MD (Date)** Applications are now being accepted to fill the vacant City Council position following the (insert descriptive information, i.e., why the position is vacant, e.g. in Gaithersburg's Press Release, the text read "following the passing of Councilmember Henry Marraffa"). Interested residents must meet the Council qualifications as provided in Article II, Section 1 of the City Charter, submit an Application Packet for Council Member and a Financial Disclosure Statement. The

application should include a letter of interest, a resume, and a statement of the applicant's priorities and vision for the City. Applications are due by 5 p.m. on (insert date). Application packets are available on the City website at [www.rockvillemd.gov](http://www.rockvillemd.gov). Questions regarding the application submittal requirements should be directed to City Clerk/Director of Council Operations Kathleen Conway at [kconway@rockvillemd.gov](mailto:kconway@rockvillemd.gov) or 240.314.8282.

The Mayor and Council will meet in Closed Session on (date) to narrow the selection of candidates to no more than five. Selected candidates will be invited to each deliver a five-minute statement at the Mayor and City Council (Regular Meeting or Work Session?) on (date) and participate in interviews with City Council Members, tentatively scheduled for (dates, i.e., multiple dates unless all interviews to occur in one day). Selection of the new Council Member will take place in Closed Session on (date), with the swearing in taking place on or about (date), to be immediately followed by a reception in City Hall.

The term of office for this position will expire in November of 2019. The next municipal election for the Mayor and Council, including this position, will take place on November 5, 2019.

#### **D. Cover Letter to accompany Application Packet**

### **Procedures to Apply for the Vacant City Council Seat**

To apply for the vacant Rockville City Council seat, interested persons must file an application for the position of Councilmember. Applications are available in the City Clerk/Director of Council Operations' Office located at Rockville City Hall, 111 Maryland Avenue, Rockville, MD. They may also be obtained on the City of Rockville's website, [www.rockvillemd.gov](http://www.rockvillemd.gov) (add specific page).

**Application Forms.** All applicants must submit a completed application for the position of Councilmember for the City of Rockville, MD. Applicants must also submit a resume, letter of interest with priorities and vision for the City of Rockville and a Financial Disclosure Statement.

**Qualifications.** All applicants must meet the following qualifications:

1. Be a registered voter in the City of Rockville.
2. Must have resided, or will have resided, within the city limits off Rockville, MD for at least one year prior to the selection date for Councilmember.

#### **Application Process.**

1. Applicants must submit their completed application, with resume and letter of interest with priorities and vision for the City of Rockville, along with a Financial Disclosure Statement by (insert date) to Kathleen Conway, City Clerk/Director of Council Operations, Rockville City Hall, 111 Maryland Avenue, Rockville, MD 20850.
2. A Mayor and Council Closed Session will be held on (insert date). During the Closed Session, the Mayor and Council will review all applications and select individuals to advance through the interview process.
3. Selected individuals will be invited to deliver a five-minute statement at a Mayor and Council Meeting.
4. The Mayor and Council will interview qualified candidates (insert date).
5. The Mayor and Council may conduct a second interview of selected candidates.
6. The Mayor and Council will select the new Councilmember by a favorable vote of a majority of the remaining members of the Mayor and Council, to fill the vacancy for the unexpired term.
7. The selected Councilmember will be sworn-in on (insert date) followed by a reception at Rockville City Hall.

## **E. ARTICLE II – The Mayor and Council**

### **Article II. Section 1. – Number, Selection, Term, Qualification and Payment.**

- a. All legislation powers of the City of Rockville shall be vested in a council consisting of a Mayor and four (4) Councilmembers, who shall be elected as hereinafter provided in Article III, Section 5 and who shall hold office for a term of four (4) years or until the succeeding Council takes office. Councilmembers holding office at the time this section becomes effective shall continue to hold office for the term for which they were elected and until the succeeding Council takes office.
- b. The Mayor and Councilmembers shall be registered voters and shall have resided in the City for at least one (1) year immediately preceding their election.
- c. A procedure for establishing the annual compensation of the Mayor and each of the four (4) Councilmembers shall be established by ordinance; provided, however, that the compensation specified at the time any member of the Council takes office shall not be changed during the period for which that member of the Council was elected.

## **F. ARTICLE III – REGISTRATION, NOMINATIONS AND ELECTIONS**

### **Article III. Section 4. Election of Mayor and Council.**

On the next Tuesday after the first Monday in the month of November in every fourth year beginning in the year 2015, the qualified voters of the City shall elect one (1) person as Mayor and four (4) persons as Councilmembers to serve for terms of four (4) years.

### **Article III. Section 5. Vacancies in Office of Mayor and Council.**

In case of a vacancy on the Council by reason of death, resignation, removal from the City, or otherwise, not occurring within the last twelve (12) months of the term, the vacancy shall be filled by special election as provided by ordinance. In case of a vacancy on the Council for any of the aforesaid reasons, occurring within the last twelve (12) months of the term, the Mayor and Council shall elect, by the favorable votes of a majority of the remaining members of the Mayor and Council, some qualified person to fill such vacancy for the unexpired term. The results of any such vote shall be recorded in the minutes of the Mayor and Council.

## **G. Article IV - General Powers**

### **Article IV. Section 1. Powers of Council Enumerated.**

- a. The Council shall have the power to pass all such ordinances not contrary to the Constitution and laws of the State of Maryland or this Charter as it may deem necessary for the good government of the City; for the protection and preservation

of the City's property, rights, and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger or destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare and happiness of the residents of the City and visitors thereto and sojourners therein.

- b. The Council shall have, in addition, the power to pass ordinances not contrary to the laws and Constitution of this State, for the following specific purposes:
  - (1) *Advertising* —To provide for municipal advertising, for the printing and publication of statements of the receipts and expenditures of the municipality, and the publication and codification of all laws, ordinances, resolutions, or regulations adopted by or affecting the municipality.
  - (2) *Aisles* —To regulate and prevent the obstruction of aisles in public halls, churches and places of amusement, and to regulate the construction and operation of the doors and means of egress therefrom.
  - (3) *Amusements* —To provide in the interest of the public welfare for licensing, regulating, or restraining theatrical or other public amusements.
  - (4) *Appropriations* —To appropriate and expend municipal monies for any purpose within the powers of the Council.
  - (5) *Auctioneers* —To regulate the sale of all kinds of property at auction within the City and to license auctioneers.
  - (6) *Audits* —To provide for the appointment of an auditor or accountant to audit the books and accounts of all municipal officers collecting, handling, or disbursing funds belonging to the municipality.
  - (7) *Band* —To establish, maintain and support a municipal band or musical organization.
  - (8) *Billboards* —To license, tax and regulate, restrain or prohibit the erection or maintenance of billboards within the City, the placing of signs, bills and posters of every kind and description on any building, fence, post, billboard, pole, or other place within the City.
  - (9) *Bridges* —To erect and maintain bridges.
  - (10) *Buildings* —To make reasonable regulations in regard to buildings and signs to be erected, constructed, or reconstructed in the City, and to grant building permits for the same; to formulate a building code and a plumbing code and to appoint a building inspector and a plumbing inspector, and to require reasonable charges for permits and inspections; to authorize and require the inspection of all buildings and structures and to authorize the condemnation thereof in whole or in part when dangerous or insecure, and to require that such buildings and structures be made safe or be taken down.
  - (11) *Cemeteries* —To regulate or prohibit the interment of bodies within the municipality and to regulate cemeteries.
  - (12) *Codification* —To provide for the codification of this Charter and all laws, ordinances, and regulations which have been or may hereafter be passed.

(13) *Community services* —To provide, maintain, and operate community and social services for the preservation and promotion of the health, recreation, welfare, and enlightenment of the inhabitants of the City.

(14) *Cooperative activities* —To make agreements with other municipalities, counties, districts, bureaus, commissions, and governmental authorities for the joint performance of or for cooperation in the performance of any governmental functions.

(15) *Corporate name* —To change the corporate name of the municipality, provided that no such change shall affect any rights, duties or obligations held by the municipality, and provided further that such ordinance shall first be submitted to and approved by the qualified voters of the municipality at a regular or special municipal election.

(16) *Curfew* —To prohibit the youth of the City from being in the streets, lanes, alleys, or public places at unreasonable hours of the night.

(17) *Dangerous conditions* —To compel persons about to undertake dangerous improvements to execute bonds with sufficient sureties conditioned that the owner or contractor will pay all damages resulting from such work which may be sustained by any persons or property.

(18) *Departments* —To create, change, and abolish offices, departments, or agencies, other than the offices, departments, and agencies established by this Charter; to assign additional functions or duties to offices, departments, or agencies established by this Charter, but not including the power to discontinue or assign to any other office, department, or agency any function or duty assigned by this Charter to a particular office, department, or agency.

(19) *Disorderly houses* —To suppress bawdy houses, disorderly houses and houses of ill fame.

(20) *Dogs* —To regulate the keeping of dogs in the City and to provide for the licensing and taxing of the same; to provide for the disposition of homeless dogs and dogs on which no license fee or taxes are paid.

(21) *Elevators* —To require the inspection and licensing of elevators and to prohibit their use when unsafe or dangerous or without a license.

(22) *Explosives* —To regulate or prevent the storage of gunpowder, oil, or any other explosive or combustible matter; to regulate or prevent the use of firearms, fireworks, bonfires, explosives, or any other similar things which may endanger persons or property.

(23) *Filth* —To compel the occupant of any premises, building, or outhouse situated in the City, when the same has become filthy or unwholesome, to abate or cleanse the condition; and after reasonable notice to the owners or occupants, to authorize such work to be done by the proper officers and to assess the expense thereof against such property, making it collectible by taxes or against the occupant or occupants.

(24) *Finances* —To levy, assess, and collect ad valorem property taxes; to expend municipal funds for any public purpose; to have general management and control of the finances of the City.



(25) *Fire* —To suppress fires and prevent the dangers thereof and to establish and maintain a fire department; to contribute funds to volunteer fire companies serving the City; to inspect buildings for the purpose of reducing fire hazards, to issue regulations concerning fire hazards, and to forbid and prohibit the use of fire-hazardous buildings and structures permanently or until the conditions of City fire-hazard regulations are met; to install and maintain fire plugs where and as necessary, and to regulate their use; and to take all other measures necessary to control and prevent fires in the City.

(26) *Food* —To inspect and require the condemnation of, if unwholesome, and to regulate the sale of, any food products.

(27) *Franchises* —To grant and regulate franchises to water companies, electric light companies, gas companies, telegraph and telephone companies, transit companies, taxicab companies, and any others which may be deemed advantageous and beneficial to the City, subject, however, to the limitations and provisions of the Annotated Code of Maryland. No franchise shall be granted for a longer period than fifty (50) years.

(28) *Gambling* —To restrain and prohibit gambling.

(29) *Garbage* —To prevent the deposit of any unwholesome substance either on private or public property, and to compel its removal to designated points; to require slops, garbage, ashes and other waste or other unwholesome materials to be removed to designated points, or to require the occupants of the premises to place them conveniently for removal.

(30) *Grants-in-aid* —To accept gifts and grants of Federal or of State funds from the Federal or State governments or any agency thereof, and to expend the same for any lawful public purpose, agreeably to the conditions under which the gifts or grants were made.

(31) *Hawkers* —To license, tax, regulate, suppress and prohibit hawkers and itinerant dealers, peddlers, pawnbrokers and all other persons selling any articles on the streets of the City, and to revoke such licenses for cause.

(32) *Health* —To appoint a board of health, and to define and regulate its powers and duties; to establish quarantine regulations, and to authorize the removal or confinement of persons having infectious or contagious diseases; to prevent and remove nuisances; to prevent the introduction of contagious diseases into the municipality; to regulate the places of manufacturing soap, fertilizer, and other noxious things; to regulate slaughterhouses, packing houses and all places where offensive trades may be carried on; to regulate places which cause or may cause unsanitary conditions, or conditions detrimental to health.

(33) *House numbers* —To regulate the numbering of houses and lots and to compel owners to renumber the same or in default thereof to authorize and require the same to be done by the City at the owner's expense, such expense to constitute a lien upon the property collectible as tax monies.

(34) *Inspections* —To authorize and require the inspection of gas pipes, water pipes, plumbing apparatus, electric lines and wires, and drainage and sewage systems on private property, and to compel repairs thereon.



(35) *Jail* —To establish and regulate a station house or lock-up for temporary confinement of violators of the laws and ordinances of the City or to use the county jail for such purposes.

(36) *Licenses* —Subject to any restrictions imposed by the public general laws of the State, to license and regulate all persons beginning or conducting transient or permanent business in the City for the sale of any goods, wares, merchandise, or services; to license and regulate any business, occupation, trade, calling, or place of amusement or business; to establish and collect fees and charges for all licenses and permits issued under the authority of this Charter.

(37) *Liens* —To provide that any valid charges, taxes or assessments made against any real property within the City shall be liens upon such property, to be collected as municipal taxes are collected.

(38) *Lights* —To provide for the lighting of the City.

(39) *Livestock* —To regulate and prohibit the running at large of cattle, horses, swine, fowl, sheep, goats, dogs or other animals; to authorize the impounding, keeping, sale and redemption of such animals when found in violation of the ordinance in such cases provided.

(40) *Markets* —To obtain by lease or rent, own, construct, purchase, operate, and maintain public markets within the City.

(41) *Merit system* —To establish a merit system in connection with the appointment of all municipal officials and employees not elected or appointed under the Constitution or public general or public local laws of the State, and to request and avail themselves of the facilities of the State for the administration of such merit system without unnecessary expense.

(42) *Minor privileges* —To regulate or prevent the use of public ways, sidewalks, and public places for signs, awnings, posts, steps, railings, entrances, racks, posting handbills and advertisements, and display of goods, wares and merchandise.

(43) *Noise* —To regulate or prohibit unreasonable ringing of bells, crying of goods or sounding of whistles and horns.

(44) *Nuisances* —To prevent or abate by appropriate ordinance all nuisances in the City which are so defined at common law, by this Charter, or by the laws of the State of Maryland, whether the same be herein specially named or not; to regulate, to prohibit, to control the location of or to require the removal from the City of all trading in, handling of, or manufacture of any commodity which is or may become offensive, obnoxious, or injurious to the public comfort or health. In this connection, the City may regulate, prohibit, control the location of, or require the removal from the City of such things as stockyards, slaughterhouses, cattle or hog pens, tanneries, and renderies. This listing is by way of enumeration, not limitation.

(45) *Obstructions* —To remove all nuisances and obstructions from the streets, lanes and alleys and from any lots adjoining thereto, or any other places within the limits of the City.

(46) *Parking facilities* —To license and regulate and to establish, obtain by purchase, by lease or by rent, own, construct, operate, and maintain parking lots and other facilities for off street parking.

(47) *Parking meters* —To install parking meters on the streets and public places of the City in such places as it shall by ordinance determine, and by ordinance to prescribe rates and provisions for the use thereof, except that the installation of parking meters on any street or road maintained by the State must first be approved by the State.

(48) *Parks and recreation* —To establish and maintain public parks, gardens, playgrounds, and other recreational facilities and programs to promote the health, welfare, and enjoyment of the inhabitants of the City.

(49) *Pensions* —To provide a retirement or pension system or a group insurance plan for its officers or employees or for including its officers and employees in any retirement or pension system operated by or in conjunction with the State, on such terms and conditions as State laws may prescribe.

(50) *Police force* —To establish, operate and maintain a police force. All City police officers shall, within the municipality, have the powers and authority of constables in this State.

(51) *Police powers* —To prohibit, suppress, and punish within the City all vice, gambling, and games of chance; prostitution and solicitation therefor and the keeping of bawdy houses and houses of ill fame; all tramps and vagrants; all disorder, disturbances, annoyances, disorderly conduct, obscenity, public profanity, and drunkenness.

(52) *Property* —To acquire by conveyance, purchase or gift, real or leasable property for any public purpose; to erect buildings and structures thereon for the benefit of the City and its inhabitants; and to convey any real or leasehold property when no longer needed for the public use, after having given at least twenty (20) days' public notice of the proposed conveyance; to control, protect and maintain public buildings, grounds and property of the City.

(53) *Quarantine* —To establish quarantine regulations in the interest of the public health.

(54) *Regulations* —To adopt by ordinance and enforce within the corporate limits police, health, sanitary, fire, building, plumbing, traffic, speed, parking, and other similar regulations not in conflict with the laws of the State of Maryland or with this Charter.

(55) *Salaries* —To fix the salary or compensation of all municipal officers and employees.

(56) *Seal* —To make, have and use, and from time to time, alter, a common seal.

(57) *Sidewalks* —To regulate the use of sidewalks and all structures in, under or above the same; to require the owner or occupant of premises to keep the sidewalks in front thereof free from snow, ice, or other obstructions; to prescribe hours for cleaning the sidewalk.

(58) *Special elections* —To provide for special elections for municipal purposes, at such times and places as may be determined, and subject to the provisions of this Charter.

(59) *Taxicabs* —To license, tax and regulate public hackers, taxicab drivers, and other persons driving commercial vehicles and their assistants and all other persons pursuing like occupations.

(60) *Vehicles* —To regulate and license wagons and other vehicles not subject to the licensing powers of the State of Maryland.

(61) *Voting machines* —To purchase, lease, borrow, install, and maintain voting machines for use in City elections.

(62) *Zoning* —To exercise such powers as to planning and zoning, as are conferred upon the City by the Annotated Code of Maryland, or other applicable authority.

(63) *Saving clause* —The Council may exercise any power or perform any function which is not denied to it by the Constitution of Maryland, this Charter, or by a public general law duly passed by the General Assembly of Maryland so long as the power or function relates to the incorporation, organization, government, or affairs of the municipal corporation.

**H. Rockville Ethics Code (updated Ethics Code to be included in final packet)**

**I. Rockville Elections Code (to be included in final packet)**

**J. Rockville Financial Disclosure Form (updated form to be included in final packet)**

**K. Application for Office of Councilmember. (The application will be a standalone page in the packet.)**



### **APPLICATION FOR OFFICE OF COUNCILMEMBER**

To: Rockville Mayor and Council  
c/o Kathleen Conway, City Clerk/Director of Council Operations

I hereby request that you consider me for the office of Council Member.

Please Print:

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(Legal First, Middle Initial and Last Name. No nicknames or titles.)

**I DO HEREBY CERTIFY THE FOLLOWING:**

1. My name is: \_\_\_\_\_
2. I am a registered voter in the City of Rockville.
3. I now reside at (Address, City, State, Zip Code):  
\_\_\_\_\_

Home Telephone: \_\_\_\_\_

Business Telephone: \_\_\_\_\_

Email Address: \_\_\_\_\_

4. I have resided, or will have resided, in the City of Rockville for at least one year prior to the selection date for Councilmember.
5. I have included my resume, letter of interest detailing why I am interested in the position with my priorities and vision for the City of Rockville in this Application Packet, along with my Financial Disclosure Statement.
6. I consent to the public release of my name and this Application Packet. I understand that my Financial Disclosure Statement will be available for public inspection upon request and I will be notified if this occurs.

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Signature of Applicant

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Date of this Application

**THIS APPLICATION FOR COUNCIL MEMBER SHALL BE FILED AT THE OFFICE OF THE CITY CLERK/DIRECTOR OF COUNCIL OPERATIONS ON OR BEFORE 5:00 P.M. ON (day), (date).**